

REMARKS

The specification has been amended to make an editorial change therein.

The indication that claims 6-8, 12, 14-15, 19-21, 25, 28, and 32-35 include patentable subject matter is acknowledged with thanks.

The Official Action objects to the form of claims 1, 14-15, and 38. These claims, as well as others having similar informalities, have been amended as to form. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 1, 4, 9, 11, 26, 31, 36, and 39 were rejected as anticipated by NAKAYA et al. 5,458,213. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 26 provide, among other features, that the seat is movable between a first, elevated crouched racing position and a second, lowered, reclined feet-forward position, where a fore footpeg position is forward of the seat and allows the driver's legs to be extended forward of the seat when the seat is in the second position and an aft footpeg position allows the driver's feet to be positioned below the seat when the seat is in the first position.

By contrast, NAKAYA et al. disclose a motorcycle with a seat is movable between two positions and with adjustable footpeg positions, but in which the seat and footpeg positions do not allow the driver's legs to be extended forward of the seat in any

arrangement. In each of the positions shown in NAKAYA et al., the driver's feet are not forward of the seat. Thus, the reference does not disclose a seat that can assume a second, lowered, reclined feet-forward position, where a fore footpeg position is forward of the seat and allows the driver's legs to be extended forward of the seat when the seat is in this second position. Accordingly, claims 1 and 26 and the claims dependant therefrom avoid the rejection under §102.

Claims 2-3, 27, 29-30, and 37 were rejected as unpatentable over NAKAYA et al. in view of DENNERT et al. 6,846,018. Claim 5 was rejected as unpatentable over NAKAYA et al. in view of FUKUNAGA et al. 6,332,625. Claims 10 and 38 were rejected as unpatentable over NAKAYA et al. Reconsideration and withdrawal of the rejections are respectfully requested for the reasons provided above.

Claims 13, 16-17, and 22-24 were rejected as unpatentable over NAKAYA et al. in view of WALKER 4,546,993. As noted above, NAKAYA et al. do not disclose a seat that can assume a second, lowered, reclined feet-forward position, where a fore footpeg position is forward of the seat and allows the driver's legs to be extended forward of the seat when the seat is in this second position. WALKER does not make up this shortcoming and thus at least this feature would not be obvious to one of skill in the art. Further, WALKER does not disclose an actuator that moves the set of footpegs as in amended claim 13, and this

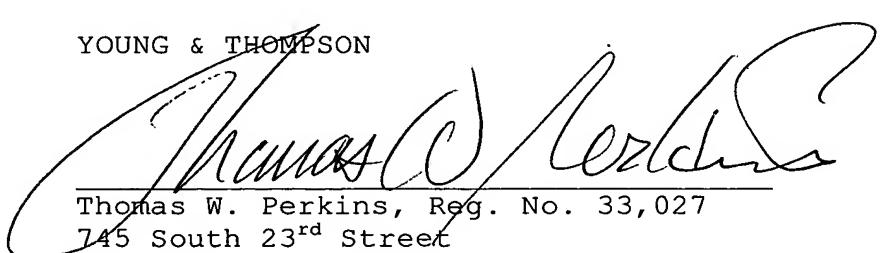
feature would also not be obvious from the combination. As best understood, WALKER discloses that tools must be used to move the floorboard (column 2, lines 49-54).

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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TWP/lrs